

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

EARTHBBOUND CORPORATION,) CASE NO. C16-1150 RSM
et al.,)
Plaintiffs,) MINUTE ORDER
v.)
MITEK USA, INC.,)
Defendant.)

The following MINUTE ORDER is made by direction of the Court, the Honorable Ricardo S. Martinez, Chief United States District Judge:

On August 19, 2016, the Court granted a temporary restraining order in this matter, and directed Plaintiff Earthbound to deposit a bond in the amount of \$1,000 into the Court's registry. Dkt. #46. Those funds were subsequently deposited. Dkt. #48. On September 26, 2016, this matter was transferred to the Central District of California. Dkt. #63. However, Plaintiff's funds remain deposited in this Court. Accordingly, the Court directed Plaintiff to file a Status Report advising whether the Court should continue to hold the bond funds. Dkt. #64.

Plaintiff filed a status report as requested, informing the Court that the case has resolved, and “respectfully request[ing] that the Court release its deposit of \$1,000 from the Court registry to its counsel.” Dkt. #65. As this Court directed Plaintiff in its prior Minute Order, **should Plaintiff**

1 request that the funds be withdrawn, transferred or otherwise distributed, Plaintiff shall make
2 such a request by motion with the Court. Dkt. #64. Plaintiff has failed to follow those
3 instructions. Accordingly, if Plaintiff now seeks release of its funds, it must make a motion for that
4 release.

5 Pursuant to Local Civil Rule 67:

6 All motions for disbursement of registry funds shall specify the principal sum
7 initially deposited, the amount(s) of principal funds to be disbursed and to
8 whom the disbursement is to be made. Each proposed order shall contain the
9 following language: **“... the clerk is authorized and directed to draw a**
check(s) on the funds deposited in the registry of this court in the
principal amount of \$ plus all accrued interest, minus any statutory users
fees, payable to (name of payee) and mail or deliver the check(s) to (name
of payee).” If more than one check is to be issued pursuant to a single order,
12 the portion of principal and interest due each payee must be separately stated.

13 The court requires the mailing address(es), Social Security number(s) or Tax
14 ID(s) of the disbursement recipients be provided to the Clerk and shall not be
15 filed in the record.

16 LCR 67(b) (emphasis added). Thus, before the Court can release Plaintiff's funds, Plaintiff must
17 file a motion and proposed Order in compliance with this Rule. Any such motion shall also
18 comply with Local Civil Rule 7.

19 DATED this 11th day of August, 2017.

20 WILLIAM McCOOL, Clerk

21 By: /s/ Rhonda Stiles
22 Deputy Clerk